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TO: Michael A. Brown, Art Unit 3772
COMPANY: USPTO
FAX NO.: 1-571-273-8300
FROM: Kevin D. McCarthy
RE: 10/728,498 (0-03-051)
DATE: March 7, 2007

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MESSAGE: Response - 10 pages
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Typed Name:
Date:Kevin D. McCarthy
Kevin D. McCarthy
March 7, 2007

Patent 0-03-051

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Flick et al.
Serial no.: 10/728,498
Filed: December 5, 2003
Title: Vibrational and Pulsating Cushion Device
Examiner: Michael A. Brown
Art Unit: 3772

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Response

This response is in reply to the office action mailed on February 22, 2007. In that office action, the examiner rejected (a) claims 1-7, 9-12, 15, 17-22, 24, and 27-34 as being "anticipated by Haas '292"; and (b) claims 8, 16 and 23 as "being unpatentable over Haas in view of Hansen." The remaining pending claims (13-14 and 25-26) were "objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Applicant appreciates the time and effort that the examiner took in examining this application.

Applicant has submitted new claims 40 and 41. Claim 40 is claim 13 written in independent form as suggested by the examiner and claim 41 is claim 25 written in independent form as suggested by the examiner. That means these new independent claims should be allowable.

As for claims 1-7, 9-12, 15, 17-22, 24, and 27-34 being "anticipated by Haas '292", the applicant has amended the claims to distinguish the invention over Haas. Haas wrote the following statements about its vibration apparatuses and the location of the vibrated fluid:

1. "The inflatable latitudinal bladders 20 are bisected and held in position by the base sheet 14 to form top inflatable and deflatable semi-circular cross-section tubular cells [22]. Located underneath [the top cells] are bottom inflated semi-circular cross section interconnected tubular cells 24. The base sheet 14 thus

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